MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ELIZABETH WOLSTEIN (EW-5194)
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2743
Facsimile: (212) 637-2686

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATED PRESS, Plaintiff, - v.- UNITED STATES DEPARTMENT OF DEFENSE, Defendant.	**ECF CASE** NOTICE OF MOTION 05 Civ. 3941 (JSR)

Associated Press v. United States Department of Defense Doc. 26

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and all pleadings and prior proceedings herein, the United States Department of Defense will move this Court before the Honorable Jed S. Rakoff, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, on September 16, 2005, pursuant to Federal Rule of Civil Procedure 59(e) and Local Civil Rule 6.3, for an order (i) granting reconsideration of the Court's August 29, 2005 Memorandum Order (the "Order"), and (ii) vacating the Order, and for such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's September 1, 2005 order, answering papers, if any, are to be served no later than September 15, 2005, and reply papers, if any, are to be served no later than September 16, 2005.

Dated: New York, New York
September 9, 2005

Respectfully Submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York,
Attorney for Defendant

By: s/ Elizabeth Wolstein
ELIZABETH WOLSTEIN (EW-5194)
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel. No. (212) 637-2743
Fax No. (212) 637-2686

To: David A. Schulz, Esq.
LEVINE SULLIVAN KOCH & SCHULZ, LLP
230 Park Avenue, Suite 1160
New York, NY 10169

Attorneys for Plaintiff